

**REMARKS/ARGUMENTS**

Claims 19-36 stand in the present application, claims 19, 20, 26-29, 33, 35 and 36 having been amended. Reconsideration and favorable action is respectfully requested in view of the above amendments and the following remarks.

In the Office Action, the Examiner has rejected claim 19 under 35 U.S.C. § 101 for being non-statutory. At page 2 of the Office Action the Examiner alleges that method claim 19 “does not ‘transform’ the audio stream to another state or thing” that “[i]t performs an auxiliary process (speech recognition) to make a determination using the audio stream.” The Examiner then concludes that the audio stream is not transformed into another state or thing. However, claim 19 clearly requires that upon determining an intended receiver that the audio stream is transmitted to the intended receiver using a half-duplex communication service provided by a packet-switched network. Clearly this is a transformation and the Examiner’s continued rejection of this claim under 35 U.S.C. § 101 is simply not understood. However, in order to further the prosecution in this case Applicants have amended claim 19 to recite the use of a “push-to-talk communication device during generation of an audio stream.” In view of the above-described claim amendments to claim 19, the Examiner’s § 101 rejection of the claim is surely overcome.

The Examiner has rejected claim 27 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner alleges that the term “tangible computer medium” is not described in the specification. It is noted that this terminology was present in a dependent claim as filed and is thus a part of the

specification. See original claim 10 as filed. In any event, Applicants have adopted the suggestion by the Examiner in order to further the prosecution of this case. For consistency, the same amendment has also been made to dependent claim 28 which the Examiner did not reject.

The Examiner has rejected claims 19 and 27-29 under 35 U.S.C. § 103(a) as being unpatentable over Vysotsky et al. ("Vysotsky") in view of Dailey, has rejected claims 20-24 and 30-34 under 35 U.S.C. § 103(a) as being unpatentable over Vysotsky in view of Dailey and further in view of Guilhufe et al. ("Guilhufe"), has rejected claims 26 and 36 under 35 U.S.C. § 103(a) as being unpatentable over Vysotsky in view of Dailey and further in view of Schrage, and has rejected claims 25 and 35 under 35 U.S.C. § 103(a) as being unpatentable over Vysotsky in view of Dailey and further in view of Guilhufe and further in view of Salazar et al. ("Salazar"). Applicants respectfully traverse the Examiner's § 103 rejections of the claims.

The Examiner states in point 16 in the "Response to arguments" section of the Office Action that the feature upon which Applicants rely (i.e., no separate dialling phase) is not recited in the rejected claims. To expedite the prosecution of this case, Applicants have amended independent claims 19 and claim 29 to more clearly require that no separate dialling phase is needed, and so that it is now more clear that the "utterance . . . includes an indication of an intended receiver of the audio stream" and that "the audio stream containing the utterance including the indication of the intended receiver of the audio stream" is transmitted to the determined intended receiver.

Support for these amendments can be found in present specification at, *inter alia*, page 2, lines 11 – 19 and lines 31 - 32.

Neither Vysotsky nor Dailey teaches that the audio stream that includes the indication of an intended receiver is also transmitted to the determined intended receiver. Therefore, even if it would have been obvious to combine the teachings of these two references, Applicants' invention – as recited in the amended independent claims 19 and 29 – would not have resulted. Accordingly, independent claims 19 and 29 and their respective dependent claims patentably define over Vysotsky and Dailey taken singly or in combination.

The Examiner states in point 8 that “although the random delay described in column 22, lines 57-65 [of Geilhufe] does not expressly admit a half duplex system, it would have been obvious to someone of ordinary skill in the art at the time of the invention that it provided breaks between transmissions that could accommodate a half duplex architecture.” Applicants respectfully disagree.

Before a user issues a command the devices are not transmitting, they are instead constantly listening for commands. When a device has received a command it responds after a random delay; the device is however listening for signals or answers from other devices during this time in order to avoid collision. If it was a half-duplex system and the device had to change to transmission mode from receiving/listening mode it could not hear responses from other devices and collisions would occur. Hence, the system described in Geilhufe could not work in a half-duplex mode and, therefore, it would not have been “obvious to someone of ordinary skill in the art at the

time of the invention that it provided breaks between transmissions that could accommodate a half duplex architecture,” as alleged by the Examiner.

In point 10, the Examiner has extracted a comment out of its context and claims that Applicants try to “show non-obviousness by attacking references individually.” To the contrary, at page 13, line 2 to page 16, line 2 of Applicants’ previous response the features of the systems/methods disclosed in Vysotsky and Dailey were described and it was demonstrated that combining these features would not result in Applicants’ method according to claim 19. Hence, the comment on page 14 does not relate to any of the claims where the Examiner has relied on Geilhufe, and was made as part of Applicants’ arguments that independent claim 19 would not have been obvious over Vysotsky and Dailey as alleged by the Examiner. In any event, whether or not Geilhufe teaches “a plurality of intended receivers” it should be clear that Geilhufe does not solve the deficiencies noted above with respect to Vysotsky and Dailey.

In point 11, the Examiner alleges that “it would have been obvious considering the speech recognition in Vysotsky to have the predefined groups [in Dailey] be defined by speech recognition.” The Examiner’s allegation relates to Applicants’ arguments regarding independent claim 19 that combining the teachings of Vysotsky and Dailey would not lead to Applicants’ invention according to claim 19, but to a completely different invention. Independent claim 19 does not comprise the step of pre-defining groups using speech recognition. To the contrary, the effect of the invention according to claim 19 is that it enables a caller to call one or more people *without having to pre-define whom to call*.

Hence, it does not matter how the groups are pre-defined in Dailey; they are in any case pre-defined and combining the teachings of Vysotsky, which uses speech recognition in a separate dialing phase, with Dailey and the teachings of pre-defined group calls, would in any event not lead to a system for “...*performing a speech recognition process on the received audio stream to recognize the utterance contained therein; determining, if possible an intended receiver of the audio stream in dependence upon the recognized utterance; and if an intended receiver was determined, transmitting, to the determined intended receiver, the audio stream containing the utterance including the indication of the intended receiver of the audio stream, using a half-duplex communications service provided by a packet-switched network,*” as now more clearly required by amended independent claim 19.

In point 12, regarding claim 29, the Examiner did not expressly refer to Dailey in the Office Action dated December 5, 2008 and does not expressly refer to Dailey in the present Office action either. The Examiner stated in both Office Actions that “Vysotsky, claim 10 teaches a device, which teaches a system corresponding to the method of claim 19.” Whether or not the Examiner meant to refer to Dailey to teach a router server is really beside the point. Neither Vysotsky nor Dailey teaches a system having means for “transmitting said same audio stream [which was used for determining an intended receiver] to said determined intended receiver using a half-duplex communications service . . .” and, hence, combining the teachings of Vysotsky and Dailey would therefore not lead to Applicants’ system according to claim 29.

It should also be clear that the secondary references of Geilhufe, Schrage, and Salazar do not solve the deficiencies of Vysotsky and Dailey. For all of the above reasons, independent claims 19 and 29 and their respective dependent claims are believed to patentably define over the cited references taken singly or in any combination.

Therefore, in view of the above amendments and remarks, it is respectfully requested that the application be reconsidered and that all of claims 19-36, standing in the application be allowed and that the case be passed to issue. If there are any other issues remaining which the Examiner believes could be resolved through either a supplemental response or an Examiner's amendment, the Examiner is respectfully requested to contact the undersigned at the local telephone exchange indicated below.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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